

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:24-cr-00123-SRC
)	
WILLIAM D. WARD,)	
)	
Defendant.)	

Order

William D. Ward moves to dismiss the one-count indictment charging him with possession of a firearm by a convicted felon in violation of 18 U.S.C. § 922(g)(1). Doc. 29. Ward argues that prosecution of this offense violates his Second Amendment rights. *Id.* However, Ward acknowledges that this Court is bound by *United States v. Jackson*, 110 F.4th 1120 (8th Cir. 2024). *Id.* at 6.¹

The Court referred Ward’s motion to United States Magistrate Judge Joseph S. Dueker pursuant to 28 U.S.C. § 636(b). On January 29, 2025, Judge Dueker issued a Report and Recommendation recommending that the Court deny Ward’s motion. Doc. 34. On February 12, 2025, Ward filed an objection to Judge Dueker’s R&R. Doc. 35. Ward “objects to the R&R’s application of *Jackson*, and its ultimate recommendation, to avoid any claim that he has waived his challenge—in particular, any factual issues.” *Id.* at 1. However, Ward acknowledges that “[t]he R&R faithfully applies Circuit precedent to conclude that it is bound to deny [his] facial and as-applied challenges to § 922(g)(1).” *Id.*

¹ The Court cites to page numbers as assigned by CM/ECF.

When a party objects to a magistrate judge's R&R, the district judge must conduct a de novo review of the portions of the report, findings, or recommendations to which the party objected. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made."); *United States v. Lothridge*, 324 F.3d 599, 600 (8th Cir. 2003) (citing 28 U.S.C. § 636(b)(1)). In making its de novo determination, the Court reviewed the record related to Ward's motion.

The Court agrees with Judge Dueker's conclusion that the Court is bound by Eighth Circuit precedent and that Ward's argument is foreclosed by *United States v. Jackson*, 110 F.4th 1120 (8th Cir. 2024). Therefore, the Court (1) overrules Ward's [35] objection, (2) sustains, adopts, and incorporates Judge Dueker's [34] Report and Recommendation, and (3) denies Ward's [29] Motions to Dismiss.

So ordered this 25th day of February 2025.


STEPHEN R. CLARK
CHIEF UNITED STATES DISTRICT JUDGE